

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301  
Indianapolis, IN 46204  
(317) 233-0696  
<http://www.in.gov/legislative>

**FISCAL IMPACT STATEMENT**

**LS 6526**

**BILL NUMBER:** SB 255

**NOTE PREPARED:** Feb 27, 2012

**BILL AMENDED:** Jan 23, 2012

**SUBJECT:** Various Homeland Security Matters.

**FIRST AUTHOR:** Sen. Wyss

**FIRST SPONSOR:** Rep. R. Frye

**BILL STATUS:** As Passed House

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** (Amended) *Local Emergency Planning Funds*- The bill provides that local emergency planning funds withheld by the State Emergency Response Commission (SERC) may be used by the SERC for purposes related to hazardous materials.

*Variance Granting*- The bill authorizes the executive director of the Department of Homeland Security (DHS) to grant variances to rules governing the State Disaster Relief Fund (SDRF).

**Effective Date:** July 1, 2012.

**Explanation of State Expenditures:** *Variance Granting*- Except in certain circumstances as stated in current law, the DHS executive director has the authority to adopt rules concerning the DHS. Given that rules development and adoption is part of the normal administrative functions of the DHS, the executive director would likely be able to adopt variances to the rules governing the SDRF within the DHS's existing level of resources. Any variances granted would have to promote the effective and expeditious distribution of relief assistance.

(Revised) **Background Information**- The State Disaster Relief Fund had a free balance of \$2.16 M on June 30, 2011.

**Explanation of State Revenues:** *Local Emergency Planning Funds*- This provision would allow funds withheld by the SERC to be available for use by the SERC for hazardous materials training, mitigation,

preparedness, and recovery. Grounds for withholding local funding can include the failure to annually provide information required under current law to the SERC. Information not reported that could lead to funding withheld includes reports on local planning committee expenditures, proof of legal notice under the Superfund Amendments and Reauthorization Act of 1986, emergency preparedness plans, bylaws of the local committee, proof of exercising the response plan, a current membership roster, and local committee meeting minutes.

(Revised) Background Information- During 2009, 63 local emergency planning committees were granted approximately \$495,000 in funding from the SERC.

**Explanation of Local Expenditures:**

**Explanation of Local Revenues:** *Variance Granting-* This provision may provide a means for disaster funding to reach local communities more quickly, depending on action taken by the DHS.

**State Agencies Affected:** Indiana Department of Homeland Security; State Emergency Response Commission.

**Local Agencies Affected:** Local emergency planning committees.

**Information Sources:** *Indiana Department of Homeland Security Annual Report 2009; Indiana Handbook of Taxes, Revenues, and Appropriations 2011 Edition.*

**Fiscal Analyst:** Chris Baker, 317-232-9851.